

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:) MDL Docket No. 1871
AVANDIA MARKETING, SALES PRACTICES)
AND PRODUCTS LIABILITY LITIGATION) Application Of
) TRACY D. REZVANI
This Document Relates to All Actions) To Plaintiffs Steering Committee
)

Pursuant to Case Management Order #1, ("CMO") Tracy D. Rezvani, a partner at Finkelstein Thompson LLP ("FT"), and counsel of record for the consumer class action titled *D'Apuzzo v. GlaxoSmithKline et al*, No.07-4963, hereby seeks appointment to the Plaintiffs' Steering Committee ("PSC").¹ To date, Ms. Rezvani, with partner Halley F. Ascher and associate Rosalee B. Connell,² have spent a significant amount of time on this litigation and have extensive experience litigating consumer and pharmaceutical class actions. Ms. Rezvani, with FT's team of partners, associates, paralegals, and a Chartered Financial Analyst, have the willingness and ability to commit the necessary time and finances to this case. Moreover, she has a demonstrated ability to, and reputation of, working cooperatively with counsel.³

FT, founded in 1977, with offices in Washington, D.C. and San Francisco, CA, is one of the largest class action firms applying for a position on the PSC. FT focuses primarily on class

¹ *Tracy D. Rezvani*, is a 1996 graduate of the George Washington University Law School and served as a member editor of *The George Washington Journal of International Law & Economics*. She also served as an editor for the Iranian-American Bar Association's *IABA Review*. Her published works include: ***Class Counsel: Conflicts Between Duties To The Class Representative And To The Class***, ABA Antitrust Compliance Bulletin, (Vol. 1, No. 4 November 2007)(Available at: <http://www.finkelsteinthompson.com/images/PDF/classcounselconflicts.pdf>). She has spoken to the D.C. Bar on consumer protection issues and contributed to The District of Columbia Practice Manual's chapter on consumer protection. She is admitted and a member of good standing of the state bars of District of Columbia and Maryland and the United States Supreme Court, the United States Court of Appeals for the District of Columbia Circuit, and the U.S. District Courts for the Districts of Colorado, District of Columbia, and Maryland.

² *Halley F. Ascher*, is a 1996 graduate, with honors, of the University of Pennsylvania Law School. Prior to FT, she was an associate at large Washington, DC and Philadelphia firms where she specialized in insurance coverage and intellectual property litigation and import/export compliance. *Rosalee B. Connell*, is a 2004 graduate from Georgetown University Law Center and was recognized as a Pro Bono Pledge Honoree. Prior to FT, she completed a clerkship at the U.S. Consumer Product Safety Commission.

³ For the convenience of the class members, our attorneys speak Spanish, French, Tagalog and Farsi. We invite the Court to review FT's full biography at www.finkelsteinthompson.com.

action litigation involving consumer fraud, antitrust, as well as fraud in the banking, securities and commodities industries. By concentrating on class action litigation, the firm avoids the conflicts of interest that arise from multi-faceted representation. Because expert testimony is integral to the outcome of litigation, the firm has developed strong working relationships with prominent consultants in areas including pharmaceuticals, consumer fraud, marketing and economics.

RELEVANT CONSUMER EXPERIENCE⁴

Ms. Rezvani has extensive experience leading complex consumer fraud cases in state and federal trial and appellate courts across the country. FT has recovered over one billion dollars for consumers and investors and has developed substantial experience in dealing with the difficult issues that arise when suing large corporations, such as conducting mass-scale discovery. FT has prominent roles in the largest nationwide consumer class actions. A small sampling includes:

- *Schwab v. Philip Morris, Inc. et al.*, No. 04cv1945 (E.D.N.Y): FT serves as Co-Lead Counsel for the **largest certified class in U.S. history** against tobacco manufacturers who sell so-called "light" cigarettes.⁵ FT has conducted all aspects of discovery and motions practice, engaged experts, attended hearings before trial and appellate courts, communicated with thousands of class members, and otherwise managed all aspects of this very complex litigation.
- *In re Diet Drugs Prods Liab. Litig.*, MDL 1203 (E.D. Pa.): FT served as the Co-Chair of the Non-PMC litigation group designated by the Special Master to prosecute claims not initially advanced by the Plaintiffs' Management Committee. The Non-PMC was tasked with attending routine status hearings, expert discovery, class pleadings, negotiating with defense counsel, and otherwise responsible for all other related filings and negotiations addressing these additional class claims. Ms. Rezvani's role on the Non-PMC was focused primarily on prosecuting the class refund remedy which was valued (at settlement) at nearly \$240 million.
- *Ironworkers Local No. 399 and Participating Employers Health And Welfare Funds v. Janssen, L.P.*, No. 3:06-cv-03044-FLW-JJH (D.N.J)- FT is lead counsel of third-party payor class actions alleging Janssen and Johnson & Johnson promoted and disseminated misleading messages about safety and efficacy of the off-label use of Risperdal®. To date, FT facilitated the organization of meetings and conference calls with counsel; attended hearings; managed the drafting of the Consolidated Amended Complaint.

⁴ FT is similarly a leader in its other practice areas. See, e.g., *In re Natural Gas Commodity Litig.*, No. 03-6186 (S.D.N.Y.)(Co-Lead Counsel negotiating over \$100 million in settlements); *Heliotrope Gen., Inc. v. Sumitomo Corp., et al.*, No. 701679 (Cal. Super- San Diego)(Co-Lead Counsel negotiating settlement of \$100 million).

⁵ For the opinion, see *Schwab v. Philip Morris USA, Inc.*, 449 F.Supp.2d 992 (E.D.N.Y. 2006).

- *In re: Teflon Prods Liab. Litig.*, MDL 1733 (S.D. Ia.). FT serves on the Executive Committee and on the Expert, Document Review, and Electronic Discovery sub-committees for a case alleging that DuPont engaged in unfair and deceptive trade practices when it failed to disclose that Teflon® cookware coating can release toxins including possible human carcinogens.

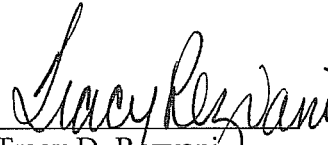
AVANDIA ACTIVITIES

FT, with co-counsel, has spent an extensive amount of time researching the background facts, FDA submissions, and medical literature necessary to gain an in-depth understanding of this action. Thus, the amended *D'Apuzzo* complaint is factually advanced. Moreover, to avoid any conflict of interest, FT will not represent any individuals with personal injury.⁶ Such conflicts resulted in the designation of separate class counsel for personal injury, medical monitoring, and refund claims for settlement in *In re Diet Drugs Prods Liab. Litig.*, MDL 1203, (E.D. Pa).

In furtherance of the goals of this litigation, counsel for *D'Apuzzo*, openly and fully invited all plaintiffs counsel of record to a meeting which took place on November 19, 2007. *See* 11/28/07 Letter to Court. Subsequent to this meeting, FT with co-counsel submitted a report to the Court outlining attendance, topics of discussion (discovery, coordination of personal injury and class action lawsuits and timing issues), and a proposed CMO. *Id.* Thereafter, FT awaited the Court's direction as to future conduct and did not engage in any unnecessary litigation or in negotiation with defense counsel without proper authority from the Court. Once CMO No. 1 was issued, however, Ms. Rezvani, through numerous emails and phone conversations with plaintiffs' counsel, discussed factual and legal issues related to the class action claims, and with co-counsel, submitted language for the Position Statement. She, on behalf of the class claims, attended a meeting between an informal plaintiffs litigation group and defense counsel on March 24, 2008 to negotiate the response to CMO No. 1 and will attend a meeting of all plaintiffs counsel on April 7, 2008 to finalize same. Ms. Rezvani intends this cooperative effort throughout this litigation.

⁶ *D'Apuzzo* only seeks purchase price refunds, formation of a medical monitoring fund and related relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy Rezvani". The signature is fluid and cursive, with the first name "Tracy" and last name "Rezvani" clearly distinguishable.

Tracy D. Rezvani

Finkelstein Thompson LLP

1050 30th Street, N.W.

Washington, D.C. 20007

(202) 337-8000 Tel

(202) 337-8090 Fax

trezvani@finkelsteinthompson.com